

Senate Bill No. 1208

Passed the Senate July 18, 2001

Secretary of the Senate

Passed the Assembly July 16, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 514 and 554 of, and to add Section 515.6 to, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, Romero. Working hours: overtime exemption.

Existing law provides that an employee covered by a valid collective bargaining agreement that covers the wages, hours of work, and working conditions, and provides for a rate of pay for overtime hours worked, as specified, is not subject to a specific chapter relating to working hours and working conditions.

This bill would provide instead that the employee is not subject to specified code sections relating to compensation for overtime work and authorizing the adoption of an alternative workweek schedule.

This bill would make a corresponding change in a provision that provides that, with specified exceptions, employees are entitled to one day's rest in 7 days of labor, and an employer may not cause his or her employees to work more than 6 days in 7.

This bill would declare that the provisions summarized above are declaratory of existing law and shall not be deemed to alter, modify, or otherwise affect any wage order of the Industrial Welfare Commission.

This bill would provide that physician employees paid an hourly wage of \$55 or more are exempt from specified provisions relating to pay for overtime work, except as specified. The bill would require the Division of Labor Statistics and Research to annually adjust the threshold wage rate.

The people of the State of California do enact as follows:

SECTION 1. Section 514 of the Labor Code is amended to read:

514. Sections 510 and 511 do not apply to an employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and



a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

SEC. 2. Section 554 of the Labor Code is amended to read:

554. (a) Sections 551 and 552 shall not apply to any cases of emergency nor to work performed in the protection of life or property from loss or destruction, nor to any common carrier engaged in or connected with the movement of trains. This chapter, with the exception of Section 558, shall not apply to any person employed in an agricultural occupation, as defined in Order No. 14-80 (operative January 1, 1998) of the Industrial Welfare Commission. Nothing in this chapter shall be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires that the employee work seven or more consecutive days, if in each calendar month the employee receives days of rest equivalent to one day's rest in seven. The requirement respecting the equivalent of one day's rest in seven shall apply, notwithstanding the other provisions of this chapter relating to collective bargaining agreements, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement respecting the hours of work of the employees, unless the agreement expressly provides otherwise.

(b) In addition to the exceptions specified in subdivision (a), the Chief of the Division of Labor Standards Enforcement may, when in his or her judgment hardship will result, exempt any employer or employees from the provisions of Sections 551 and 552.

SEC. 3. Section 515.6 is added to the Labor Code, to read:

515.6. (a) Section 510 shall not apply to any employee who is a licensed physician or surgeon, whose primary duties require licensure pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, and whose hourly rate of pay is equal to or greater than fifty-five dollars (\$55.00). The Division of Labor Statistics and Research shall adjust this threshold rate of pay each October 1, to be effective the following January 1, by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

(b) The exemption provided in subdivision (a) shall not apply to an employee employed in a medical internship or resident



program or to a physician employee covered by a valid collective bargaining agreement pursuant to Section 514.

SEC. 4. Sections 1 and 2 of this act are declarative of existing law and shall not be deemed to alter, modify, or otherwise affect any provision of any wage order of the Industrial Welfare Commission.



Approved _____, 2001

Governor

